IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 12311 of 2005

Between:

Vellampalli Kamalamma, W/o.Late Chengala Raju,
R/o. Obula Raju Kandriga, P.V. Puram Village,
Satyavedu Mandal, Chittoor District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Tirupathi, Chittoor District.
2 The Mandal Revenue Officer, Satyavedu Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in dispossessing the petitioner from the schedule land to an extent of Ac. 1-00 in Sy.No. 1920IC situated in Obularaju Kandriga, P.V. Puram Village, Satyavedu Madnal, Chittoor District, in constravention of the provisions of the Sub Sec. (2) of Sec. 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 without following due process of law is as illegal, arbitrary and violation of Article 14 and 21 of the Constitution of India and consequently direct the respodnents not to dispossess the petitioenr from the schedule land without completing the proceedings initiated by the 2nd respondent and pass such other order or orders.

Counsel for the Petitioner: MR.R.CHANDRA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from the land to an extent of Ac.1-00 in Sy.No.192-1C situated at Obularaju Kandriga, P.V.Puram village, Satyavedu Mandal, Chittor District, through Form-I Notice vide proceedings R.C.No.B/383/2005, dt.10-05-2005, without following due process of law, as illegal and arbitrary, this writ petition is filed.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The petitioner is said to be the owner of the land in question and she also got pattadar passbook in respect of the said land and she has been in possession and enjoyment of the same since more than 20 years. It is further stated the 2nd respondent issued the impugned Form-I notice in R.C.B/383/2005, dated 10.5.2005 directing her to submit her explanation for the unauthorized occupation of the land in question, and for that the petitioner submitted her detailed explanation and it is pending consideration before the 2nd respondent.

There is no mention in the impugned notice about the dispossession of the petitioner. The petitioner on mere apprehension of dispossession from the land in question, she filed the present writ petition, which is not maintainable in accordance with law.

However, as the explanation submitted by the petitioner to the impugned notice is pending consideration before the
2nd respondent, I deem it appropriate to direct the 2nd respondent to consider the explanation of the petitioner and pass appropriate orders thereon in according with law.

With the above observations, the Writ Petition is disposed of. No order as to

costs.

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10-06-2005

Prv

To

1 The Revenue Divisional Officer,

Tirupathi, Chittoor District.

2 The Mandal Revenue Officer,

Satyavedu Mandal, Chittoor District.

3 Two CCs to G.P. for Revenue,

High Court of Andhra Pradesh,

Hyderabad (OUT).

4 Two CD copies.